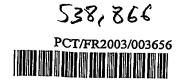
7-28-05

PATENT COOPERATION TRE



## **PCT**

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference								
PA1651WO	FOR FURTHER ACTION See Notification of Transmittal of Internation  Preliminary Examination Report (Form PCT/IPEA/416							
International application No. PCT/FR2003/003656	International filing date (day/month/year) Priority date (day/month/year)							
	10 décembre 2003 (10.12.2003) 17 décembre 2002 (17.12.2002)							
International Patent Classification (IPC) or na G01N 21/64	ational classification and IPC							
Applicant								
COMMISSARIAT A L'ENERGIE ATOMIQUE								
<ol> <li>This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</li> </ol>								
2. This REPORT consists of a total of _	5 sheets, including this cover sheet.							
This report is also accompanied amended and are the basis for the	ed by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been this report and/or sheets containing rectifications made before this Authority (see Rule Administrative Instructions under the PCT).							
These annexes consist of a tota	al of sheets.							
<ol><li>This report contains indications relating</li></ol>	ng to the following items:							
I Basis of the report								
II Priority								
III Non-establishment of	opinion with regard to novelty, inventive step and industrial applicability							
IV Lack of unity of invent								
V Reasoned statement un citations and explanation	nder Article 35(2) with regard to novelty, inventive step or industrial applicability; ions supporting such statement							
VI Certain documents cite	ed							
VII Certain defects in the in	international application							
VIII Certain observations on the international application								
Date of submission of the demand								
	Date of completion of this report							
25 juin 2004 (25.06.2004	4) 11 January 2005 (11.01.2005)							
Name and mailing address of the IPEA/EP	Authorized officer							
Facsimile No.	Telephone No.							

Form PCT/IPEA/409 (cover sheet) (July 1998)

Translation

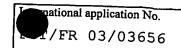
# INTERNATIONAL PRELAMINARY EXAMINATION REPORT

ational application No.

### PCT/FR2003/003656

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1. With	regard to	o the elements of the international application:*
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Replace in this and 70.	th the the the the the the the the the t	ndments have resulted in the cancellation of:  the description, pages  the claims, Nos  the drawings, sheets/fig  that has been established as if (some of) the amendments had not been made, since they have been considered to go the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**  the ests which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to the contain amendments of the proof of the sheet containing such amendments must be referred to under item 1 and annexed to this report.
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## INTERNATIONAL PROMINARY EXAMINATION REPORT



v. 	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability citations and explanations supporting such statement

	B Bentelitent		
1. Statement			
Novelty (N)	Claims	2-5, 10-14, 16, 20	YES
	Claims	1, 6-9, 15, 17-19	— NO
Inventive step (IS)	Claims		— YES
	Claims	1-20	 NO
Industrial applicability (IA)	Claims	1-20	 YES
	Claims		– NO
C:: .:			_ ```

### 2. Citations and explanations

Reference is made to the following documents:

D1: DE 102 00 865 A1

D2: US 6,242,114 B1

D3: WO 02/48691 A1

### 2. Independent claim 1

D1 describes a standard microcomponent for calibrating and standardising fluorescence measuring equipment (see paragraph [0030]) including a nonfluorescent substrate (see paragraph [033]) on which a thin layer of polymer comprising fluorescent components is deposited (see paragraphs [0038] to [0039]); said microcomponent comprises multiple areas having different levels of fluorescence; said levels are adjusted by varying the exposure of the layer (see paragraphs [0046]} to [0047]; claim 8).

According to the characterising part of claim 1 "first and second levels of fluorescence are defined by an unexposed portion and at least one exposed area, respectively, of said thin layer, the second level of fluorescence being lower than the first

level of fluorescence".

These features are also implied in D1: the term "adjusting the level of fluorescence by exposure" includes, as a lower limit, non-exposure. The fact that the level of fluorescence of an exposed area is lower than the level of fluorescence of an unexposed portion is merely the unavoidable result of exposure, regardless of the physical explanation ("bleaching" in the present application, or reticulation in D1).

To conclude, no structural or functional difference exists between the microcomponent described in D1 and the microcomponent according to claim 1.

Consequently, the subject matter of claim 1 does not comply with the criterion of novelty as defined by PCT Article 33(2).

### 3. Dependent claims

Dependent claims 2 to 20 contain no feature which, when combined with the features of any one of the claims to which they refer, defines subject matter that complies with the PCT requirements of novelty and/or inventive step, for the following reasons:

Claims 2 and 3: D1 (see figure 1 and paragraphs [0046] and [0047]): three areas having layers of differing thickness separated by areas without a layer (openings), thereby providing a total of four different levels of fluorescence; as an alternative, D1 proposes to define different levels of fluorescence by exposing a layer of uniform

thickness.

Claims 4 and 5: D1 (see paragraph [0057]): the level of fluorescence of a non-fluorescent substrate, referred to as the third level, is obviously at least 10 to 100 times less than any first level of fluorescence defined by a fluorescent layer.

Claims 6 to 9: D1 (see paragraphs [0038], [0047] and [0057]).

Claims 10 to 13 and 20: D1 in combination with D2 (see column 4, lines 45 to 65).

Claim 14: D1 in combination with D2 and D3 (see page 6, lines 15 to 27).

Claim 15: D1 (see paragraph [0047]).

Claim 16: D1 (see figure 1).

Claim 17: D1 (see paragraph [0060]).

Claims 18 and 19: D1 (see paragraphs [0033], [0038], [0046] and [0047]).

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